

b.) Remarks

All pending claims are allowed. The specification is amended solely in order to insert SEQ ID NO: identifiers in Tables 2 and 4. No matter was added.

Regarding an initial formal matter, in their December 15, 2004 paper, Applicants requested the Examiner to consider the references cited in their May 24, 2004 Information Disclosure Statement. In the March 15, 2005 Office Action, the Examiner considered three of the four references, but not PCT WO 00/29558. No reason was provided.

As before, Applicants wish to explain that the reference was cited in their corresponding Supplementary European Search Report (of record) as of interest only as being of category "E". Applicants have filed herewith another form PTO-1449. Confirmation that the cited reference is considered and will be printed on the face of any patent issuing herein is, again, respectfully requested in the next Patent Office communication.

The Examiner indicated that the drawings filed "25 May 2004" (sic, August 24, 2001) are accepted. Such indication is gratefully noted, however, a formal sheet of Figure 5 in conformity with the Examiner's approval of the same dated May 20, 2003^{1/} is enclosed.

^{1/} Accordingly, the notation that "Drawing submitted in this application are accepted by the Examiner for examination purposes only" is not well-understood. Applicants have received no Notice of Draftspersons Drawing Review. Accordingly, it is understood the drawings are acceptable for all purposes.

The final remaining issue, therefore, is the Examiner's inquiry regarding the disparate CRFs of record, and which should be utilized herein. In particular, the Examiner states there was an original Sequence Listing with 25 sequences and a subsequent Sequence Listing with 44 sequences, and is unsure which is correct. The Examiner also notes the electronic form has 25 sequences.

This confusion is not well-understood. The Sequence Listing filed August 24, 2001 did contain 25 sequences. However, the Office Action of May 20, 2003 objected to the sequences at specification pages 61, 66 and 83 as not being contained in the Sequence Listing. In response, Applicants added the necessary sequences to the Sequence Listing on November 18, 2003, so it should be clear the 44 sequences presented are correct.^{2/}

Now the Examiner objects to pages 61, 66 and 83 for not containing sequence identifiers for the sequences depicted.

As to pages 61, 66 and 83, the sequences in Table 1 (page 61) are already designated SEQ ID NOS:4-13 (see page 61, lines 6-13). As to Table 4 (page 83) such is not believed to be necessary since column 2 therein identifies where those sequences are found in SEQ ID NO:3. (See MPEP § 2422.03 at page 2400-35, first column, last complete sentence (“For example, language such as ‘residues 13 to 243 of SEQ ID NO:23’ is permissible and the fragment need not be separately presented in the ‘Sequence Listing’” (emphasis added).) Nonetheless, solely in order to reduce the issues, the sequences in both Tables 2 (page 66) and 4 have been amended above with appropriate sequence identifiers.

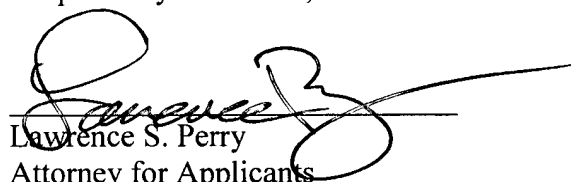
^{2 /} Moreover, the November 18, 2003 submission included an identical Computer Readable Form, which should also be of record.

Accordingly, all issues are now addressed, and are now overcome.

In view of the above amendments and remarks, prompt allowance of this application and passage to issue are earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LSP\ac\nbm

NY_Main 490450_1